

REQUEST FOR APPROVAL

To: Carroll Mortensen, Director

From: Mark de Bie, Acting Deputy Director
Waste Permitting, Compliance and Mitigation Division

Request Date: January 17, 2012

Decision Subject: Adoption of a Negative Declaration (SCH# 2011112010) for the Proposed Rigid Plastic Packaging Container Program Regulation Revisions

Action By: January 17, 2012

Summary of Request:

Staff requests adoption of a Negative Declaration for the Proposed Rigid Plastic Packaging Container Program regulations revisions.

Background Information:

California Department of Resources Recycling and Recovery (CalRecycle) staff completed an environmental analysis and prepared an initial study for proposed regulations revising the Rigid Plastic Packaging Container Program regulations and determined that the proposed regulations could not have a significant effect on the environment.

The California Environmental Quality Act (CEQA) (Public Resources Code Sections 21000, et. seq.), and State CEQA Guidelines [Title 14, California Code of Regulations Section 15074(b)] require that, prior to approval of a proposed project, CalRecycle, as Lead Agency, shall consider the proposed Negative Declaration for the adoption of the proposed regulations, together with any comments received during the public review period. CalRecycle shall adopt the Negative Declaration if it finds, on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects the CalRecycle's independent judgment and analysis.

Noticing Requirements:

CalRecycle staff mailed a Notice of Intent to Adopt a Negative Declaration to the interested public, circulated the proposed Negative Declaration to state agencies through the State Clearinghouse, and published a Notice of Intent to Adopt a Negative Declaration in three newspapers of general circulation throughout the State of California, as required by the State CEQA Guidelines, Section 15072.

Comments Received:

CalRecycle staff received one comment letter (see attachment) during the state agency and public review period. The letter essentially agreed with staff's analysis and urged CalRecycle to adopt the Negative Declaration.

Findings:

- CalRecycle staff prepared the Negative Declaration under the general direction of CalRecycle's Director.
- CalRecycle considered the proposed Negative Declaration together with any comments received during the public review process.
- Based on the whole record before it, CalRecycle determined that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects CalRecycle's independent judgment and analysis.

Recommendation:

Staff recommends adoption of the Negative Declaration and the filing of a Notice of Determination with the State Clearinghouse as provided under the California Environmental Quality Act (CEQA).

Action:

On the basis of the information and analysis in this Request for Approval, I hereby adopt the Negative Declaration (SCH# 2011112010) for the Proposed Rigid Plastic Packaging Container Program regulations revisions. I also direct staff to submit a Notice of Determination for the approved project to the State Clearinghouse for filing as required by the State CEQA Guidelines (Title 14 of the California Code of Regulations, Section 15075).

Dated:

Caroll Mortensen, Director

Attachments:

1. Initial Study and Negative Declaration
2. Summary and Response to Comments
3. Proposed Rigid Plastic Packaging Container Program Regulations